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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,996	05/10/2001	Stephen R. Welch	4022.026	5819

7590 02/27/2004
Much Shelist
191 North Wacker Drive, Suite 1800
Chicago, IL 60606

EXAMINER

HENDERSON, MARK T

ART UNIT PAPER NUMBER

3722

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,996

Applicant(s)

WELCH, STEPHEN R.

Examiner

Mark T Henderson

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-9 and 16 is/are rejected.
- 7) ☒ Claim(s) 10-15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit:

DETAILED ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9306. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit:

1. Claims 7, 8 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter et al (3,708,813).

Carter et al discloses a crease forming machine comprising an entrance opening (rollers, 53), an exit opening (150) for feeding a single binder board therethrough; and a channel (provided by the conveyor C); and a means (71, 72, 73) for forming creases transversely (as shown in Fig. 3) at predetermined positions; wherein the crease forming means includes a pair of movable upper nibs (72 and 73) above the channel and an oppositely disposed moveable lower blade (71) below the channel wherein a portion of the binder board is displaced to form a crease (40); and a top portion (above the conveyor C) attached to a bottom portion (below the conveyor C) to form the drive assembly device shown in Fig. 2; and a means for actuating the creasing means which comprises a hopper (50) having a piston (51) which forces the book cover through the channel provided by the conveyor (C).

2. Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiholm (6,186,935).

Wiholm discloses a crease forming machine (Station B as shown in Fig. 2, and stated in Col. 3, lines 1-12) comprising an entrance (station A), which includes a pair of rollers (14) and exit (station F) openings; and a means for forming creases (16) transversely (as seen in Fig. 3,) in the binder board (13) at predetermined positions; and a means (as stated in Col. 3, lines 5-7) for

Art Unit:

controlling the motor driven rollers and crease forming means such that the binder board is temporally stopped at predetermined positions to have a crease formed.

Allowable Subject Matter

3. Claims 1-6 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record discloses a creasing machine comprising an entrance portion; a means for sensing a front edge; a pair of motor driven rollers to engage and feed the binder board through the machine; a means for forming a crease in the binder boards; and a means for automatically determining the positions to form creases wherein the determining means receives a signal from the sensing means to indicate a front edge of a binder board being fed through the entrance portion, whereupon receiving the signal controls the motor driven rollers to move the binder and controls the crease forming means to create a crease; and including all of the other limitations of the independent claim.

Art Unit:

5. Claims 10-15 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art References

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Franks, MacKinnon, Granger et al disclose similar creasing machines. Rodi, Wiholm, Kono, Staub, Yoshino, Dim et al, Kamizuru et al, Evans et al, Tranquilla, Kobayashi et al, Lindsay, Andren, Guiles et al, Sekine discloses sheet handling and conveying apparatus.

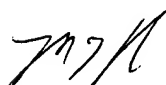
Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit:


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

February 22, 2004



A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700